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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,382	12/12/2001	Michael Wayne Brown	AUS920010827US1	2851

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
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2642

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DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,382

Applicant(s)

BROWN ET AL.

Examiner

Rasha S AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 40-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-27 and 40-41 are drawn to a caller position in a hold queue and the redemption of advancement tokens, classified in class 379, and subclass 265.02.

II. Claims 28--39 are drawn to callers queue in general and the inquiry of the callers who would like to participate in answering questions program and the bridging of the callers, classified in class 379, subclass 266.01.

Group I - II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Group I has separate utility such as the caller position and also the redemption of advancement token; Group II has separate utility such as the callers queue in general and the inquiry of the callers who would like to participate in answering questions program and the bridging of the callers. Each of the two inventions does not require the particulars of the remaining inventions.

The Examiner was able to contact the Applicant representative. For the purpose of examination, the Examiner elected group I; the Applicant in replying to this office action must make affirmation of this election. Claims 28-39 are withdrawn from further

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consideration in this Office Action by the examiner, according to 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-27 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biorge et al (US PAT # 5,806,045) in view of Walker et al (US PAT # 6,088,444).

Regarding claim 1, Biorge teaches a system and method for allocating and redeeming incentive credit for a customer that enters into a transaction with one of the providers participating in the incentive system (70), see abstract and Fig. 3. Biorge also teaches that after the incentive credits will be detected and the customer identity will be recognized (see col. 5, lines 3-16), customer can choose to redeem some or all of his/her incentive credits (see col. 2, lines 50-67).

Biorge does not specifically teach that the incentive credits are used to advance or adjust the waiting position for a caller waiting in a hold queue.

However, Walker teaches a system and method, which allows the called site to exercise control over the position in a phone queue of an incoming call. Based on certain information within the incoming call such as, caller identity, quantity of items, the

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amount or value of the order, the call position in the queue will be adjusted (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of adjusting the position of a call in a call queue based on certain parameters, as taught by walker into the Biorge, system in order to first encourage customers to earn more of those incentive credits, which are helpful to advance their positions in call queues within any call center or any other facility. Second the idea of providing an incentive credit to customer ~~is~~ definitely will improve the call center and further will enhance the level of satisfaction to its customers.

Claims 2, 8, 1-12, 18, 21-22, 27 and 40-41 are rejected for the same reasons as discussed above with respect to claim 1.

Regarding claims 3, 13 and 23, Biorge teaches storing said advancement token according to said authenticated identifier at a caller profile server (this reads on customer carried device 74, see abstract, col. 2, lines 26-33 and lines 50-65) accessible to a plurality of a call centers, wherein said advancement token is redeemable across a selection of said plurality of call centers for said future call.

Regarding claim 4, 14 and 24, Biorge does not specifically teach that storing said

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advancement token according to said authenticated identifier at a caller profile server accessible to said hold queue, wherein said advancement token is only redeemable at said hold queue for said future call. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to specify rules and procedures for redeeming the advancement tokens, such as redeeming the advancement tokens only at the time of the call, or redeeming the advancement tokens in future calls (as taught by Biorge, see col. 5, lines 29-31), redeeming some tokens and saving some other for later time, or redeeming them at any time.

Claims 5, 15 and 25 are rejected for the same reasons as discussed above with respect to claims 4, 14 and 24.

Regarding claims 6, 16, and 26, Biorge does not exactly teach an expiration date is assigned to said advancement token. However, Biorge teaches that there are may be other limits could be applied to the redeeming of an incentive credits (see col. 13, lines 11-18).

Claims 7, 17, and 27 recite that "said authenticated identifier for said caller is authenticated according to a voice identity of said caller". Both references taught identifying the caller/ or the customer by having him/her entering a pass code or some sort of authentication number. However, authentication according to a voice identity of the caller is obvious and well known. As a matter of fact, many references teach the use

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or voice recognition, which is an old and well-known feature in the art.

Regarding claims 9 and 19, Walker teaches the redemption of said advancement token advances said caller a particular number of waiting positions (see col. 6, lines 9-29).

Claims 10 and 20 recite, "redemption of said advancement token advances said caller a particular amount of estimated wait time". Walker teaches the use of IVRU, which responsible of delivering prompts and messages to customers as well as conducting information from the customer. Obviously, customer must be informed about the estimated wait time. In fact, the feature of announcing the remaining estimated wait time is almost inherent in a call queues within a call center.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday- Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

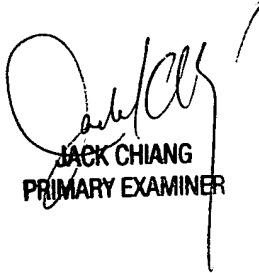
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner

Rasha S. Al-Aubaidi

06/28/2004


JACK CHIANG
PRIMARY EXAMINER